

REMARKS

Applicant is in receipt of the Office Action mailed September 4, 2008. Claims 1-21 are rejected. Claims 1-21 remain pending in this case. Reconsideration of the present case is earnestly requested in light of the following remarks.

Claims 1-3, 7-10, 14-17, and 21 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Lowry et al. (U.S. Patent No. 6,772,206, hereinafter “Lowry”) in view of Ferguson (U.S. Patent No. 5,815,793). Claims 4, 6, 11, 13, 18, and 20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Lowry in view of Ferguson and further in view of Tso et al. (U.S. Patent No. 6,247,050, hereinafter “Tso”). Claims 5, 12, and 19 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Lowry in view of Ferguson and further in view of Chen et al. (U.S. Patent No. 5,831,975, hereinafter “Chen”). Applicant respectfully traverses the rejections in light of the following remarks.

To establish a *prima facie* case of obviousness of a claimed invention, all claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974), MPEP 2143.03. Applicant respectfully submits that the cited references, taken individually or in combination, do not teach or suggest all the limitations recited in the claims. For example, Applicant respectfully submits that Lowry and Ferguson, taken individually or in combination, do not teach or suggest a method comprising “sending instructions for performing the task from a first computer system to a plurality of remote computer systems, wherein the task comprises a plurality of subtasks, wherein the instructions for performing the task comprise instructions for performing a respective one of the subtasks by executing a respective one of the plurality of applications on a respective one of each of the plurality of remote computer systems” and “executing the executable instructions to perform the subtasks, wherein executing the executable instructions comprises invoking the respective one of the plurality of applications on the respective one of each of the plurality of remote computer systems” as recited in claim 1.

Lowry discloses techniques for permitting communication between disparate applications using an XML interface. XML-based bridging techniques may be used to implement a virtual hub between various applications, thus enabling the applications to communicate with one another (e.g., col. 4, lines 1-9). However, Lowry does not teach or suggest that instructions for performing a task are sent from a first computer system to a plurality of remote computer systems. Instead, Lowry discloses that one individual application may request a service provided by another individual application (e.g., col. 3, lines 27-46).

Lowry also discloses that multiple services or applications may subscribe to an event (e.g., col. 5, line 52 to col. 7, line 37). When an event is published, the event is sent to the relevant subscribers (e.g., col. 6, lines 43-60). However, each subscriber analyzes the event independently and determines for itself what action, if any, it should take (e.g., col. 6, line 66 to col. 7, line 19). Therefore, Lowry's event is clearly not equivalent to instructions for performing a task. Rather, Lowry's event is essentially a notification. Accordingly, Lowry's subscription scheme does not involve sending instructions for performing a task from a first computer system to a plurality of remote computer systems.

In the "Response to Arguments" section of the current Office Action, the Examiner cites Lowry's API calls (col. 1, lines 40-47; col. 2, lines 64-66; col. 3, lines 38-45). Lowry discloses that each application is constructed with a native API that provides a set of routines, protocols, and tools. The applications may use the API to communicate with the operating system and other programs. API calls may provide other applications with interfaces for effective communications and access to the operating system's services. In col. 2, lines 64-66, Lowry states that an application may communicate with another application and an operating system application. In col. 3, lines 38-45, Lowry discloses that a series of API calls may be used to request a service that handles a particular file format. Lowry thus discloses the use of API calls for communication among applications, such as communication to request a service. However, Lowry does not teach or suggest that an API may be used for sending instructions for performing a

task from a first computer system to a plurality of remote computer systems, wherein the task comprises a plurality of subtasks, wherein the instructions for performing the task comprise instructions for performing a respective one of the subtasks by executing a respective one of the plurality of applications on a respective one of each of the plurality of remote computer systems.

The Examiner further cites Lowry (at col. 3, lines 38-45) as disclosing “executing the executable instructions to perform the subtasks.” In the cited passage, Lowry discloses that a series of API calls may be used to request a service that handles a particular file format. However, Lowry does not teach or suggest that executing the executable instructions comprises invoking the respective one of the plurality of applications on the respective one of each of the plurality of remote computer systems.

The Examiner further argues that Ferguson discloses the limitations “wherein the task comprises a plurality of subtasks, wherein the instructions for performing the task comprise instructions for performing a respective one of the subtasks by executing a respective one of the plurality of applications on a respective one of each of the plurality of remote computer systems.” Applicant respectfully disagrees. Ferguson discloses a distributed parallel processing system that uses processors in cable set-top boxes to perform MPEG compression tasks on partitioned video data (e.g., col. 2, lines 18-26). Ferguson discloses that the set-top boxes are substantially uniform (e.g., Figs. 1 and 2). Assuming, *arguendo*, that an application is responsible for performing the MPEG compression on each set-top box, a different instance of the same application performs the MPEG compression on each set-top box. Therefore, Ferguson does not teach or suggest that the instructions for performing the task comprise instructions for performing a respective one of the subtasks by executing a respective one of the plurality of applications on a respective one of each of the plurality of remote computer systems. For similar reasons, Ferguson does not teach or suggest invoking the respective one of the plurality of applications on the respective one of each of the plurality of remote computer systems.

For at least these reasons, Applicant respectfully submits that independent claims 1, 8, and 15 are patentably distinct from the cited references. The dependent claims are patentably distinct at least due to their dependence on the independent claims. Because the rejection has been shown to be unsupported for the independent claims, a further discussion of the dependent claims is not believed to be necessary at this time. Accordingly, Applicant respectfully requests withdrawal of the § 103(a) rejections of claims 1-21.

CONCLUSION

Applicant submits the application is in condition for allowance, and an early notice to that effect is requested.

If any extensions of time (under 37 C.F.R. § 1.136) are necessary to prevent the above-referenced application(s) from becoming abandoned, Applicant(s) hereby petition for such extensions. The Commissioner is hereby authorized to charge any fees which may be required or credit any overpayment to Meyertons, Hood, Kivlin, Kowert & Goetzel P.C., Deposit Account No. 50-1505/5602-11600/JCH.

Also filed herewith are the following items:

- ☐ Request for Continued Examination
- ☐ Terminal Disclaimer
- ☐ Power of Attorney By Assignee and Revocation of Previous Powers
- ☐ Notice of Change of Address
- ☐ Other:

Respectfully submitted,

/Jeffrey C. Hood/

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